

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lindsay M. Ulman, Jesse J. Williams, and Eric J. Hansen

For: MANUAL SPRAY CLEANER

Serial No.: 10/604,780 Examiner: Lorna M. Douyon

Filed: 08/15/03 Group Art Unit: 1796

Atty. Docket: 71189-1501 Confirmation No: 1779

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/Christine M Judge/
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Date: July 7, 2008

Christine M. Judge
(type or print name of person certifying)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

**APPLICANTS' REASONS IN SUPPORT OF REQUEST FOR PRE-APPEAL BRIEF
REVIEW OF FINAL REJECTION**

This paper is filed in support of Applicants' Request for a Pre-Appeal Brief Conference in accordance with 1296 Off. Gaz. Pat. Office 67 (12 July 2005) entitled: "New Pre-Appeal Conference Pilot Program." (Extended January 10, 2006.) Applicants believe that the rejections of record are not proper and are without basis in fact or law. This request is based on clear legal and/or factual deficiencies in the rejections and not based on interpretation of claims or prior art teachings. The Examiner has not made a *prima facie* case of unpatentability of claim 49 under 35 U.S.C. § 103 as required by *In re Vaeck* 947 F.2d 488, 20 USPQ 2nd 1438 (Fed. Cir. 1991).

The Examiner has not made a *prima facie* case of unpatentability of claim 49.

Claim 49 as currently amended reads as follows:

49. (Currently Amended) A manual spray cleaner for removing dirt and stains comprising:

 a first pressure chamber and a dispensing spray outlet for dispensing controlled amounts of fluids under pressure from the pressure chamber onto a surface to be cleaned;

 a peroxide composition within and contained by the pressure chamber, and;

 a propellant mixed with the peroxide composition to pressurize the oxidizing composition within the first pressure chamber to a level sufficient to spray the peroxide composition onto a surface to be cleaned;

 wherein the first pressure chamber has an inner surface formed wholly from uncoated aluminum and the dispensing assembly is made from materials that are inert or resistant to the peroxide composition.

Claim 49 and its dependent claims 51, 52, 54, 96-98 and 115 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Seglin et al. US Patent No. 3,488,287 (Seglin et al. '287). Applicants' discussion of the Seglin et al. '287 reference and arguments as to the patentability of claim 49 over the Seglin et al. '287 reference are set forth on pages 12-15 of Applicants' Response to Office Action filed June 4, 2008.

The Examiner has failed to correctly assess the scope and content of the prior art in her application of Seglin et al. '287 to the rejection of claim 49 and its dependent claims. In particular, the Examiner has failed to consider the substantial amount of evidence in the file in determining the scope and content of the prior art and as a result has a flawed interpretation of Seglin et al. '287.

Seglin et al. '287 discloses a method for producing a warm lather comprising using the decomposition of hydrogen peroxide to provide heat and gas to foam a soap composition. As discussed previously in our response filed June 4, 2008, Seglin et al. '287 does not disclose a hydrogen peroxide and a propellant (resulting in an aerosol product) in a container formed from uncoated aluminum. The Examiner actually concedes this point in the Office Action mailed

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April 4, 2008, p.3, ¶1. However, the Examiner has nevertheless drawn the unwarranted conclusion that it would have been obvious to one skilled in the art to place the hydrogen peroxide and propellant in an uncoated aluminum container. There is no basis in fact for drawing this conclusion from the disclosure of Seglin et al. '287 and is contrary to the evidence of record submitted by Applicants. Had the Examiner considered the secondary considerations set forth in the Declaration Under 37 C.F.R. § 132 of Eric Hanson, filed January 31, 2007, (Hansen Declaration), Declaration Under 37 CFR § 1.132 of William Stephen Tait, PhD, filed July 17, 2007, (Tait Declaration), article published in *Spray Technology & Marketing*, March 2006 of Dr. Tait, filed with Applicant's Response filed April 4, 2006, (Tait publication) and the Declaration Under 37 CFR § 1.132 of Montford A Johnsen, filed October 23, 2006, (Johnsen Declaration) all of record, she could not have reasonably concluded that it would have been obvious to one skilled in the art at the time of the invention to place the peroxide and propellant of Seglin et al. '287 in a container formed wholly from uncoated aluminum.

Mr. Johnsen has more than 50 years experience in the aerosol industry. Dr. Tait has more than 29 years experience in the field of corrosion of aerosol containers. Mr. Hansen has more than 20 years experience as a chemist in the field of cleaning products. Mr. Johnsen, in ¶15 of his Declaration, and Mr. Hansen, in ¶15 of his Declaration, attest to the surprising stability of the hydrogen peroxide-propellant composition in an uncoated aluminum container. Further, Mr. Johnsen, in the same paragraph, attests to the problem of packaging hydrogen peroxide composition in an aerosol container of any sort. Mr. Johnsen further opines in the same paragraph that, as far as he is aware, there are no other hydrogen peroxide aerosol products in the country and no other aerosol products packaged in uncoated aluminum containers.

The Tait Declaration sets forth the expert qualifications of Dr. Tait. The Tait Publication unequivocally sets the standard for what is known in the art regarding aerosols and aluminum containers in an independent publication.

Consequently, uncoated aluminum is very susceptible to corrosion, and aluminum aerosol containers without an internal lining cannot be used with aerosol products. (highlighted portion, 2nd column, last sentence)

The Tait Publication establishes that even as late as 2006, it was not known in the art that aerosol compositions could be stable in uncoated aluminum containers. Therefore, at the time that Applicants made their invention, it would not have been obvious to one skilled in the art to combine the hydrogen peroxide and propellant composition in an aerosol-type container formed from uncoated aluminum as the Examiner asserts.

The Hansen and Johnsen declarations attest to the secondary considerations that the Examiner has failed to seriously consider. Mr. Johnsen states in ¶15 of his Declaration that he is not aware of any other hydrogen peroxide aerosol products available in the United States nor any other aerosol products in general in uncoated aluminum containers. Applicants' first attempts to produce a hydrogen peroxide aerosol product were unsuccessful. Hansen Declaration ¶ 5. Johnsen Declaration ¶15. In their initial attempts, Applicants followed established protocol in the field and used aluminum containers with an organic lining. After these attempts proved unsuccessful, they tried using uncoated aluminum containers with the surprising result that the hydrogen peroxide and propellant were stable as an aerosol in an uncoated aluminum container. *Id.* Also, the product based on the concept of claim 49 has been very successful commercially and no products have been returned due to corrosion. Hansen Declaration ¶2, 6.

In addition, the Examiner has failed to show proper motivation for modifying the teachings of the prior art to produce the claimed invention. If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (see *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). As discussed in our response filed June 4, 2008, page 13 ¶ 2, if the device of Seglin et al. '287 was modified to contain hydrogen peroxide and a propellant at sufficient pressure to spray it onto a surface to be cleaned, as required in Applicants' claim 49, it could no longer perform its intended purpose, which is to produce a warm lather through the degradation of the hydrogen peroxide. The hydrogen peroxide of Seglin et al. '287 must be delivered to the reaction chamber at a slow enough rate, i.e. low pressure, to allow it to react with a catalyst and degrade. Without the degradation of the hydrogen peroxide, no heat and no gas will be formed and therefore the container will not be able to produce a warm lather.

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Conclusion

The rejections made by the Examiner in her final rejection of the claims are not supportable in law or fact as set forth above. Reversal of the Examiner's rejection and allowance of the claims are respectfully requested.

Respectfully submitted,

Dated: July 7, 2008

By: /John E McGarry/

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G0249799

PATENT
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: JESSE J. WILLIAMS, LINDSAY M. ULMAN, AND ERIC J. HANSEN

For: MANUAL SPRAY CLEANER

Serial No.: 10604,780 Examiner: Lorna M. Douyon

Filed: 08/15/2003 Art Unit: 1751

Docket: 71189-1501

DECLARATION UNDER 37 C.F.R. § 1.132 OF MONTFORT A. JOHNSEN

Commissioner for Patents
Washington, DC 20231

Sir:

Montfort A. Johnsen declares that:

1. I am a citizen of the United States and a resident of Danville, Illinois.
2. I was awarded B.S. Chemistry, Denver University in 1948, an M.S. Inorganic Chemistry from University of Colorado in 1949, and completed postgraduate work at in chemistry at the University of Illinois in 1952.
3. I have worked continuously in the aerosol industry in a scientific capacity since 1953. I presently serve as a consultant for a number of companies including the Procter & Gamble Co., Colgate-Palmolive Co., E.I. duPont de Nemours & Company, Inc., the S.C. Johnson & Son Inc. Co., the Schering Plough Corporation, and Reckitt Benckiser Inc. household products. My Curriculum Vitae is attached hereto.

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4. As a result of my education and over 50 years experience in the aerosol industry, I believe that I am qualified as an expert in the aerosol industry in general and with respect to the subject matter of the above identified patent application.

5. In the course of my normal consulting work several years ago, I worked as a consultant for BISSELL Homecare Inc. in the development of a two-part aerosol container for dispensing a detergent and an oxidizing agent simultaneously from two separate containers which appears to be the subject matter of the above-identified patent application. I believe that this has been commercialized by BISSELL Homecare, Inc.

6. In the course of my preparation for this declaration, I studied the above-identified patent application, the rejected claims in the application, the Kenkare et al. U.S. Patent No. 3,722,752 and the Lauwers et al. U.S. Patent No. 6,021,926, and the Examiner's final rejection of the claims over the cited prior art references.

7. In its most basic terms, the invention which is the subject of the rejected claims in the above-identified patent application relates to a manual spray cleaner for removing dirt and stains that includes an aerosol container that has an oxidizing composition, a propellant mixed with the peroxide composition to pressurize the oxidizing composition, wherein the aerosol container is formed from a plain or uncoated aluminum and the dispensing assembly is made from materials that are inert or resistant to the oxidizing composition. The preferred claimed oxidizing composition is hydrogen peroxide composition.

8. It is my understanding that claims to this invention have been rejected as unpatentable over the Kenkare et al. U.S. Patent No. 3,722,752 (Kenkare et al. '752) in view of the Lauwers et al. U.S. Patent No. 6,021,926 (Lauwers et al. '926).

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9. The Kenkare et al. '752 patent discloses a technology which was known since before 1960, although the first commercial product was launched by Gillette in 1967. In this technology, hydrogen peroxide (9.5% in water), contained in a polyethylene tube, was used to chemically react with any of a variety of identified reducing agents to produce other chemicals plus heat, typically in a shaving composition. The typical reducing agent was sodium thiosulfate. In addition, various catalysts, such as molybdates, can be used to accelerate the generation of heat. In short, the Kenkare et al. '752 patent teaches the use of two or more reducing agents with hydrogen peroxide for the purpose of producing heat in a shaving composition.

10. The Lauwers et al. '926 reference relates to an aerosol dispenser containing an extremely concentrated (high viscosity) detergent mixture, designed to be dispensed in a washing machine by the use of a non-flammable propellant. Hydrogen peroxide is not needed to provide the benefits of this formulation in the package. Hydrogen peroxide is not listed in any of the cited examples, nor is it cited in any of the claims. Hydrogen peroxide is briefly mentioned (column 10, line 11), merely as one of the group of oxidants that might react with peroxidase enzymes to do "solution bleaching." This particular technology is well known, but very rarely used, since the hydrogen peroxide is so prone to react with various other detergent ingredients and self-destruct in that process. In the examples presented, if hydrogen peroxide were to have been included, it would slowly react with such things as monoethanolamine and the perfumes, to the overall detriment of the formulation. The hydrogen peroxide (and its siblings) are included in the Lauwers et al. '926 disclosure in a very long list of possible ingredients perhaps to increase the scope of the patent but not otherwise for any appropriate benefit and would militate against the purpose of the Lauwers et al. '926 invention.

11. Lauwers et al. '926 further states that the aerosol package may be made from any material, preferably aluminum, tin plate, plastics including polyethylene terephthalate (PET), oriented polypropylene (OPP), polyethylene (PE) or polyamide and including mixtures, laminates and other combinations of these. Lauwers et al. '926 further discloses in column 3, line

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33, that the metal can be made from tin steel plate or other metals such as aluminum. Further, the interior surface of the metal containers are preferably laminated with a plastic material or coated with lacquer or with a varnish in order to protect the interior surface of the container from corrosion.

12. The compositions of the Kenkare et al. '752 and the Lauwers et al. '926 composition are radically different aerosol products. The Lauwers et al. '926 washing machine detergent mixture is far different than the self heating cosmetic composition of the Kenkare et al. '752 reference. To the extent that any minor amount of hydrogen peroxide was used in the Lauwers et al. '926 composition, a wide variety of container packages could likely be used. However, it is unlikely that any uncoated aluminum aerosol container would be used because the aerosol industry simply doesn't use uncoated aluminum in aerosol containers. As I read the disclosure in column 3, lines 26-44, there is no teaching to one skilled in the aerosol industry that a bare or uncoated aluminum aerosol container could be used to package the contents of the Lauwers et al. '926 composition, even in the event that an incidental amount of hydrogen peroxide was included in the composition. As stated above, hydrogen peroxide would not likely be used by a person having ordinary skill in the aerosol container art with the composition of Lauwers et al. '926 because of its deleterious effect on the functionality of that composition.

13. Further, the peroxide composition of the Kenkare et al. '752 reference has special problems which are not present in the composition of the Lauwers et al. '926 reference. For example, hydrogen peroxide as an oxidant in the Kenkare et al. '752 reference must be kept separate from the shaving cream or other cosmetics because it will react, and is intended to react with the specific chemical reducing compounds. Thus, the hydrogen peroxide solution must be kept separate from the cosmetic compositions because the hydrogen peroxide is intended to react when the two are mixed. Therefore, based on my background and experience in the aerosol field, there is no teaching in either of the Kenkare et al. '752 or the Lauwers et al. '926 references of the use of a bare aluminum aerosol container to package a hydrogen peroxide cleaning composition.

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14. Furthermore, from my experience in the field of aerosol containers over the past 50 years, I have been very familiar with the kinds of compositions that are disclosed in the Kenkare et al. '752 and the Lauwers et al. '926 references, as well as many other diverse aerosol compositions. In my judgment, it is not likely that anyone would package any of the these aerosol compositions in a bare aluminum container because of the difficulties of manufacturing the aluminum containers from uncoated aluminum and the high probability of corrosion. Further there is no reason to do so because the coated aluminum containers work quite well with all of these aerosol compositions.

15. From my prior consulting work the BISSELL Homecare, I am aware that BISSELL overcame major challenges in developing of the cleaning compositions which are the subject of the above-identified BISSELL patent application. One of the major problems was the ability to package the hydrogen peroxide composition in an aerosol container of any sort. BISSELL scientists discovered, quite surprisingly, that the hydrogen peroxide composition could be packaged in a bare aluminum container, notwithstanding the industry's reluctance to do so and yet could not be packaged in a coated aluminum container because of contamination from the coating with the aerosol propellant. Insofar as I know, the BISSELL hydrogen peroxide composition is the only hydrogen peroxide aerosol product in the country, and furthermore the only aerosol product that is packaged in a bare or uncoated aluminum can, rather than lined. It was only with great difficulty that BISSELL was able to persuade an aluminum aerosol can supplier to produce cans which were uncoated, that is, devoid of the usual organic linings. After a lengthy testing period, it was firmly established that the hydrogen peroxide composition was stable in the plain or uncoated interior aluminum cans but was not stable in coated aluminum cans. Insofar as I am aware, there are no technical problems with the commercial products which have been made according to the subject matter of the above-identified patent application.

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16. In summary, based on my knowledge, and for the reasons as set forth above, I do not believe that the BISSELL invention as set forth above is in any way related to the Kenkare et al. '752 or the Lauwers et al. '926 references. Further, in considering both of these references as a person who has much more than ordinary skill in the art, I do not believe that the BISSELL invention as I have set forth above, namely the packaging of a hydrogen peroxide aerosol composition in an aerosol container formed of a bare aluminum material, would be obvious to a person of ordinary skill in the aerosol packaging art from the combined teachings of these two references.

17. I hereby declare that all statements made herein of my own knowledge are true and that all statements made in information and belief are believed to be true; and further that these statements were made with the knowledge that willful thought statements in the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States code and at such willful thought statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 13-oct-2006

By Montfort A. Johnsen
Montfort A. Johnsen

G0255061

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: JESSE J. WILLIAMS, ERIC J. HANSEN, AND LINDSAY M. ULMAN

For: **MANUAL SPRAY CLEANER**

Serial No.: 10/604,780 Examiner: Lorna M. Douyon

Filed: 08/15/2003 Art Unit: 1744

Docket: 71189-1501

DECLARATION UNDER 37 CFR § 1.132 OF WILLIAM STEPHEN TAIT, PhD

William Stephen Tait, PH.D. declares that;

1. I am a citizen of the United States and a resident of Madison, Wisconsin. My Curriculum Vitae is attached hereto as Exhibit A.
2. I was awarded a BA in Chemistry from the University of Missouri-St. Louis in 1972. I was awarded a MS degree in Chemical Engineering from Sever Institute, Washington University, St. Louis, Missouri in 1977. I was awarded a PhD in Materials Engineering from the University of Wisconsin-Milwaukee in 1988. My area of specialty for my study and dissertation for my PH.D was corrosion and surface science with a minor in statistics.
3. I am presently employed as the Chief Science Officer and Principle Consultant in Pair O Docs Professionals L.L.C. in Madison, Wisconsin and have been so employed since July 2000. My consulting work has been principally in the field of corrosion of metals and coated metals and, in particular, in the field of corrosion in aerosol containers. Between the years 1978 and July 2000, I was employed as a Senior Research Associate and Lab Group Leader by S.C. Johnson & Son, Inc. in Racine, Wisconsin. My work at S.C. Johnson consisted of managing the corrosion and metal package laboratory. This laboratory was responsible for qualifying all types of metal packages for use with aerosol and non-aerosol consumer and commercial products.

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4. I have taught a number of courses on corrosion of metals at the University of Wisconsin-Milwaukee; was an Adjunct Professor between April 2000 and April 2003 and as an Adjunct Associate Professor between March 1991 and April 1997. In addition, I have taught short courses in corrosion testing, coatings and aerosol container corrosion as a consultant plus presented technical papers at professional symposia, including:

- *The Elements of Aerosol Container Corrosion*, presented by Pair O Docs Professionals (May 2004; October 2004; October 2005; and October 2006).
- *Introduction to Corrosion; Basic Concepts of Corrosion; Corrosion Testing and Monitoring; Corrosion Environments*, ASM International Course Lessons 1, 2, 8, and 12, Milwaukee, Wisconsin (February 4, 2004 and March 10, 2004).
- *The Basics of Aerosol Container Corrosion*: Pair O Docs Professionals short course Madison, Wisconsin (May 2003).
- *A Practical, Helpful, and Personalize Introduction to Corrosion Testing Methods on Coated Metals*: Pair O Docs Professionals and Solartron, Inc., short course, Kohler, Wisconsin, October 13-15, 1999.
- *A Practical, Helpful, and Personalized Introduction to Corrosion Testing Methods on Uncoated Metals*: Pair O Docs Professionals and Solartron, Inc., short course, Kohler, Wisconsin, October 25-27, 1998.

5. In addition, I have written extensively and made presentations on predicting results from static storage tests on internally coated metal containers. Included in my presentations at professional society meetings and conferences are:

- "Elements of a Comprehensive Aerosol Container Corrosion Prevention and Control Program," presented to the Eastern Aerosol Association in Newark, New Jersey in October 2006, to the Latin American Aerosol Conference, Buenos Aires, Argentina in September 2006, to the Southern Aerosol Technical Association, Atlanta, Georgia in March 2006, and to the Midwest Aerosol Association, Chicago, Illinois in April 2006.
- "Aerosol Container Corrosion Prevention, Control and Measurement," presented at SATA technical conference, Destin, Florida on October 5, 2001,

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- "An Introduction to Aerosol Container Corrosion, Corrosion Prevention and Control," presented at CSPA Workshop Aerosol Technology Workshop, Washington, D.C. on April 18-20, 2001.

6. From December 2002 to the present, I have written the monthly column *Corrosion Corner*, published in the Spray Technology and Marketing Magazine, Industry Publications, Parsippany, New Jersey.

7. As enumerated in my Curriculum Vitae, I have also written articles that have been published in books and periodicals, peer reviewed journals and proceedings and non-peer reviewed journals, all in the field of corrosion of metals and coated metals, and especially in the field of corrosion in aerosol containers for at least the last 29 years.

8. I am one of eighteen corrosion specialists in the world who are certified as a chemical treatment specialist (development of corrosion inhibitors) by NACE International (formerly the National Association of Corrosion Engineers). In addition, I have numerous professional society memberships and activities in professional societies, all with respect to corrosion technologies, including an emphasis on corrosion in aerosol containers, as set forth on my Curriculum Vitae.

9. I have 7 U.S. patents for corrosion inhibitors; corrosion test equipment; and a device for crevice corrosion testing.

10. As a result of my education, experience, and publications as set forth above and as set forth in my Curriculum Vitae, I believe that I am qualified as an expert in the field of corrosion in aerosol containers.

11. I have been retained by Bissell Homecare, Inc. to serve as an expert in the prosecution of the above identified patent application (the Bissell patent application), which I understand is assigned to Bissell Homecare, Inc. In the course of my normal consulting work, I have previously been retained as a consultant for BISSELL Homecare Inc. during the period of May,

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2007 through June, 2007 for corrosion testing on a new aerosol product. I am not otherwise subject to a retainer and do not otherwise serve as a consultant to BISSELL Homecare, Inc.

12. In the course of my preparation for this Declaration, I studied the Bissell patent application, the rejected claims in the Bissell patent application, the Gross et al. U.S. Patent 6,824,623 (Gross et al. '623) and the Wilkins et al. U.S. Patent No. 5,215,675 (Wilkins et al. 67) in the Office Action in this application, mailed April 17, 2007 (the Office Action).

13. It is my understanding that claim 49 in the BISSELL patent application has been rejected over the Wilkins et al. '675 reference in view of the Gross et al. '623 references in the Office Action. It is also my understanding that the Examiner Douyon, the Examiner in charge of the BISSELL patent application, believes that the corrosion test disclosed in the Wilkins et al. '675 patent would lead an ordinary worker in the aerosol packaging field to believe that the stripping composition of Wilkins et al. '675 could be packaged with an aerosol propellant in aerosol cans made from a bare aluminum in view of the teaching of the Gross et al. '623 which discloses that graffiti remover, paint stripper and degreaser compositions can be packaged in a variety of containers such as steel, tin, and aluminum cans and can be applied by spraying such as in aerosol form. I disagree with the Examiner's position as to her conclusion with respect to claim 49 because I do not believe that the disclosure in the Wilkins et al. '675 reference would lead an ordinary worker skilled in the art of aerosol packaging to believe that a peroxide aerosol composition could be packaged in a bare aluminum aerosol can. The reasons for my conclusions follow.

14. As I understand it, claim 49 in the BISSELL patent application relates to a manual spray cleaner for removing dirt and stains and comprises a peroxide composition and a propellant that is packaged in an uncoated aluminum container.

15. The Wilkins et al. '675 patent discloses a stripping composition that includes hydrogen peroxide for stripping paint and resin from an aircraft aluminum alloy surface and a corrosion

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test for testing the corrosiveness of the stripping composition on the aluminum alloy 2024 (UNS # A92024) in the area under the overlap between two separate pieces of sheet metal. This test simulates crevice corrosion of aircraft exteriors that use 2024 aluminum alloy. I am quite familiar with aluminum alloy 2024 and the tests performed by Wilkins et al. The Wilkins et al. corrosion test is a simulated atmospheric test in which the relative humidity in a chamber is cycled between high and low magnitudes at one atmospheric pressure. 2024 aluminum has a 3.8 to 4.9% copper content specification and is typically used in aircraft exterior panels.

16. The Gross et al. '623 reference discloses a graffiti remover, paint stripper and degreaser that includes an oil-soluble anionic surfactant, a water-soluble anionic surfactant, a primary solvent consisting of C₁₋₄ alkyl ester, a short-chain cosurfactant, and water. Gross et al. is concerned about the possibility of corrosion in the packaging of the Gross et al. composition in lined steel cans, and in particular, lined aerosol cans.

17. Wilkins et al. does not teach an ordinary worker in the aerosol packaging field that packaging of the Wilkins et al. hydrogen peroxide stripping composition with an aerosol propellant in a bare aluminum aerosol container would likely be free of unacceptable corrosion. The tests to determine the corrosion resistance of a particular aerosol composition in an aerosol can are remarkably different from the test performed by Wilkins et al. for the 2024 aluminum alloy. Whereas the Wilkins et al. test simulated an atmospheric test in which the relative humidity in a chamber is cycled between high and low magnitudes at one atmospheric pressure, the surface inside an aerosol container is continuously exposed to a liquid mixture and a small area at the top of the aerosol container is continually exposed to a gas mixture of propellant and other formula ingredients at an elevated pressure. Whereas the Wilkins et al. test is performed at one atmospheric pressure, aerosol containers are under pressures of two or more atmospheres. Thus, the Wilkins et al. cyclic test does not simulate the continuous exposure of the Bissell composition inside bare aluminum containers under two or more atmospheric pressures.

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18. In addition, aluminum aerosol containers are typically formed by deep drawing of an aluminum puck and thus do not have crevices formed by overlapping pieces of sheet metal exposed to a liquid or gaseous media. Thus, the simulated crevice test described in Wilkins et al. does not simulate aluminum aerosol container corrosion in non-crevice areas.

19. Further, the aluminum containers are fabricated from a 1000 series aluminum (UNS #A1XXX). 1000 series aluminum has a 0.04 maximum copper content specification whereas 2024 aluminum has a 3.8 to 4.9% copper content specification. Corrosion resistances and tendencies of 2024 aluminum and 1000 series aluminum are significantly different. See, for example, NACE International Corrosion Data Survey-Metals Section, Sixth Edition, page ii (a copy of which is attached as Exhibit B). Furthermore, liquid phase corrosion, atmospheric corrosion and crevice corrosion have different mechanisms for initiation. These different mechanisms occur in different types of environments and at significantly different rates of penetration through metals. Still further, corrosion potentials and rates are determined by the type of metal and the chemical composition of the environment to which the metal is exposed. For example, aluminum corrosion is significantly faster in hydrochloric acid than in normal atmospheric conditions. See Uhlig, Corrosion and Corrosion Control, 2nd Edition, pp. 31-32, John Wiley & Sons, Inc. New York, New York (1971), attached hereto as Exhibit C, and Tait et al. Corrosion, p. 627, Volume 42 (10), October 1986, a copy of Table 3 is attached hereto as Exhibit D.

20. In summary, the corrosion test results of Wilkins et al. '675 are valid only for the specific chemical composition of the environment used to test the corrosion resistance of the specific aircraft aluminum alloy. Thus, the corrosion test results in Wilkins et al. '675 have no significant relevance for corrosion of the bare aluminum alloy used to fabricate aerosol containers.

21. Gross et al. does not disclose the packaging of the Gross et al. stripping composition in unlined aerosol containers. It is well known that corrosion of coated metals is significantly different from the corrosion of uncoated metals. In fact, coatings are put on metals to prevent

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them from corroding. Gross et al. '623 does not disclose or suggest that a peroxide composition can be packaged in an unlined aluminum aerosol container.

22. In conclusion, contrary to the holding by Examiner Douyon in the BISSELL patent application, based on my review of the documents set forth above and my expertise in the aerosol container corrosion field, I conclude that the Wilkins et al. a '675 and the Gross et al. '623 references, when considered as knowledge to an ordinary worker skilled in the art of aerosol packaging, would not have taught or suggested to an ordinary worker skilled in the art of aerosol packaging that it would have been obvious to package the stripping composition of Wilkins et al. '675 in aerosol cans made from bare aluminum. Further, in considering both of these references as a one with considerably more skill than the ordinary worker skilled in the art of aerosol packaging, the packaging of a peroxide aerosol composition in an aerosol container formed of a bare aluminum material would not be obvious to me in view of my knowledge of the Wilkins et al. '675 and the Gross et al. 623 references.

23. I have no financial interest in BISSELL Homecare, Inc. and no financial interest in the outcome of this application.

24. I hereby declare that all statements made herein of my own knowledge are true and that statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 101 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing there from.

Serial No.: 10/604,780
Filed: 08/15/2003
Docket: 71189-1501

Examiner: Lorna M. Douyon
Art Unit: 1744

Dated: 7/17/07

By William Stephen Tait
William Stephen Tait, PH.D.

G0310152

Exhibit A

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EDUCATION

Ph.D. Materials Engineering, University of Wisconsin-Milwaukee (1988)

- ❖ Dissertation Title: Aluminum, aluminum-nitrogen alloy, and aluminum nitride coated steel corrosion behavior in oxygen-free potassium chloride solutions
- ❖ Areas of Specialty: Corrosion and Surface Science
- ❖ Minor: Statistics

M.S. Chemical Engineering, Sever Institute, Washington University, St. Louis Missouri (1977)

B.A. Chemistry, University of Missouri-St. Louis (1972)

EMPLOYMENT HISTORY

Chief Science Officer and Principle Consultant– Pair O Docs Professionals L.L.C.
Madison, Wisconsin (July 2000 to present)

Adjunct Professor - University of Wisconsin-Milwaukee
(April 2000 to April 2003)

Senior Research Associate and Lab Group Leader - S. C. Johnson & Son, Inc.
Racine Wisconsin (1978 to July 2000)

Adjunct Associate Professor - University of Wisconsin-Milwaukee
(April 1997 to January 1999)

Adjunct Assistant Professor - University of Wisconsin-Milwaukee
(March 1991 to April 1997)

Ad Hoc Lecturer - University of Wisconsin-Milwaukee
(Semester II 1982 to 1983)

Research Scientist - Petrolite Corporation, St. Louis Missouri
(1973 to 1978)

Analytical Chemist- Heun Norwood Corporation, St. Louis, Missouri
(1973)

Laboratory Instructor - University of Missouri-St. Louis Chemistry Department
(1971 to 1972)

AWARDS

University of Wisconsin – Milwaukee Advanced Coatings Experimental (ACE)
Laboratory ACE Lab Scholar (December 2000 – June 2001)

University of Wisconsin - Milwaukee College of Engineering and Applied Science
Outstanding Alumnus Award (1997)

Who's Who in Science and Engineering, 4th Edition

S. C. Johnson & Son, Inc. **Technical Merit Award** (1986)

TEACHING EXPERIENCE

The Elements of Aerosol Container Corrosion

Pair O Docs Professionals short course, Madison, WI (October 2006)
 Pair O Docs Professionals short course, Madison, WI (October 2005)
 Pair O Docs Professionals short course, Madison, WI (October 2004)
 Pair O Docs Professionals short course, Madison, WI (May 2004)

Introduction to Corrosion; Basics Concepts of Corrosion; Corrosion Testing and Monitoring; Corrosive Environments

ASM International course lessons 1,2, 8 and 12, Milwaukee, WI (February 4, 2004 and March 10, 2004)

The Basics of Aerosol Container Corrosion

Pair O Docs Professionals short course, Madison, WI (May 2003)

Engineering Materials (590-201)

University of Wisconsin - Milwaukee
 Milwaukee, WI (Fall Semester, 2000)

Engineering Materials (590-201)

University of Wisconsin - Milwaukee
 Milwaukee, WI (Fall Semester, 1999)

A Practical, Helpful, and Personalized Introduction to Corrosion Testing Methods on Coated Metals

Pair O Docs Professionals and Solartron Inc. short course, Kohler WI (October 13 - 15, 1999)

A Practical, Helpful, and Personalized Introduction to Corrosion Testing Methods on Uncoated Metals

Pair O Docs Professionals and Solartron Inc. short course, Kohler WI (October 25 - 27, 1998)

**Electrochemical Corrosion Testing Methods for Practicing Engineers and Scientists:
Impedance Techniques**

Pair O Docs Professionals short course, Kohler, WI (October 13-15, 1999)

**Electrochemical Corrosion Testing Methods for Practicing Engineers and Scientists:
Direct Current Techniques - Part II**

Pair O Docs Professionals short course, Milwaukee, WI (October 26-28, 1999)

Principles of Corrosion Engineering and Science

Pair O Docs Professionals short course,

In-house CPE course for Harley Davidson Motors, Milwaukee WI (August 5 & 6 1999)

Kinetics of Materials Processes (590-702)

University of Wisconsin - Milwaukee

Milwaukee, WI (Winter Semester, 1999)

Principles of Corrosion Engineering and Science

Pair O Docs Professionals short course, Kohler, WI (April 19 - 21, 1999)

Engineering Materials (590-201)

University of Wisconsin - Milwaukee

Milwaukee, WI (Fall Semester, 1998)

**Electrochemical Corrosion Testing Methods for Practicing Engineers and Scientists:
Impedance Techniques**

Pair O Docs Professionals short course, Kohler, WI (November 9 - 11, 1998)

**Electrochemical Corrosion Testing Methods for Practicing Engineers and Scientists:
Direct Current Techniques - Part II**

Pair O Docs Professionals short course, Milwaukee, WI (October 26 - 28, 1998)

**A Practical, Helpful, and Personalized Introduction to Corrosion Testing Methods
on Coated Metals**

Pair O Docs Professionals and Solartron Inc. short course, Milwaukee WI (April 6 - 8, 1998)

**A Practical, Helpful, and Personalized Introduction to Corrosion Testing Methods
on Uncoated Metals**

Pair O Docs Professionals and Solartron Inc. short course, Kohler WI (April 20 - 22, 1998)

Corrosion Methodologies for Evaluating Corrosion for Coatings

Federation of Societies for Coating Technology workshop,
Atlanta GA (November 3 - 5, 1997)

Coatings for Corrosion Protection

University of Wisconsin-Madison Continuing Engineering Development
Madison, Wisconsin (July 18-20, 1994)

Corrosion Engineering in Practice

University of Wisconsin-Milwaukee Center for Continuing Engineering
Education, Chicago, Illinois (November 1-5, 1993)

Paint, Coatings, and Corrosion Prevention

University of Wisconsin-Milwaukee Center for Continuing Engineering
Education
Chicago, Illinois (May 1993)

Coatings for Corrosion Protection

University of Wisconsin-Milwaukee Center for Continuing Engineering
Education
Milwaukee, Wisconsin (Fall semesters of 1990, 1992)

Corrosion Measurement Techniques

University of Wisconsin-Milwaukee Center for Continuing Engineering
Education
Milwaukee, Wisconsin (Fall semesters of 1990, 1992)

Corrosion Engineering in Practice

University of Wisconsin-Milwaukee Center for Continuing Engineering
Education
Milwaukee, Wisconsin (Winter semesters of 1990, 1992)

Chemical Reactor Engineering (course number 590-555)

University of Wisconsin-Milwaukee, Materials Engineering Department
Milwaukee, Wisconsin (Semester II 1982, 1983)

Chemistry 3 (general chemistry lab for non-chemistry majors)

University of Missouri-St. Louis, Chemistry Department
St. Louis, Missouri (fall semester, 1970, 1971, winter semester, 1972).

Chemistry 11 (first semester general chemistry lab for chemistry majors)

University of Missouri-St. Louis, Chemistry Department
St. Louis, Missouri (fall semester, 1970).

Chemistry 12 (second semester general chemistry lab for chemistry majors)

University of Missouri-St. Louis, Chemistry Department
St. Louis, Missouri (winter semester, 1971).

Chemistry 112 (Quantitative chemical analysis lab)
University of Missouri-St. Louis, Chemistry Department
St. Louis, Missouri (winter semester, 1972).

Chemistry 262 Teaching Assistant (Quantitative chemical analysis lecture)
University of Missouri-St. Louis, Chemistry Department
St. Louis, Missouri (winter semester, 1972).

PUBLICATIONS AND PRESENTATIONS

BOOKS AND PERIODICALS

An Introduction to Electrochemical Corrosion Testing for Practicing Engineers and Scientists, Pair O Docs Publications, Racine WI (1994)

W. S. Tait, Corrosion Prevention and Control of Chemical Processing Equipment, in the **Handbook of Environmental Degradation of Materials**, Chapter 27, William Andrew Publishing, Norwich, NY (2005)

W. S. Tait, Dielectric Properties, Desk Reference of Polymer Characterization and Analysis, Chapter 24, Oxford University Press, Cary, NC (2003)

W. S. Tait, Reliability Engineering: The Commonality between Airplanes, Light Bulbs, and Coated Steel, Service Life Prediction of Organic Coatings: A Systems Approach, Chapter 12, edited by D. R. Bauer and J. W. Martin, pp. 186-197 American Chemical Society Symposium Series 722, American Chemical Society, Washington, DC (1999).

W. S. Tait, Using Reliability Statistics to Estimate Metal Container Failure Levels from Censored Tests. Organic Coatings for Corrosion Control, Chapter 6, edited by G. P. Bierwagen, pp. 58-68, Symposium Series 689, American Chemical Society, Washington, DC (1998).

W. S. Tait, Corrosion Corner, a monthly column published in the Spray Technology and Marketing Magazine, Industry Publications, Parsippany, NJ (December 2000 to present)

PEER-REVIEWED JOURNALS AND PROCEEDINGS

W. S. Tait, Using Electrochemical Measurements to Accurately and Quickly Estimate Coating and Polymer Film Durability, J. Coatings Technol. (July 2003)

W. S. Tait, Reliability Engineering: The Commonality between Airplanes, Light Bulbs, and Coated Steel, Service Life Prediction of Organic Coatings: A Systems Approach, edited by D. R. Bauer and J. W. Martin, American Chemical Society Symposium Series 722, American Chemical Society, Washington, DC (1999).

W. S. Tait, Using Reliability Statistics to Estimate Metal Container Failure Levels from Censored Tests, Organic Coatings for Corrosion Control, edited by G. P. Bierwagen, Chapter 6, pp. 58-68, Symposium Series 689, American Chemical Society, Washington, DC (1998).

W. S. Tait, One Laboratory's Experience Using Laminated Steel for Metal Packaging, in Environmentally Acceptable Inhibitors and Coatings, edited by S. R. Taylor, H. S. Isaacs, and E. W. Boorman, PV 95-16, pp. 55 - 59, the Electrochemical Society, Pennington, NJ (1997)

R. S. Lillard, J. Kruger, W. S. Tait, and P. J. Moran, Using Local Electrochemical Impedance Spectroscopy to Examine Coating Failure, Corrosion, **51**(4), pp. 251-259 (1995)

W. S. Tait, Coping with Errors in Impedance Spectra from Coated Metals, Journal of Coatings. Technology, **66**(834), pp. 59-61 (1994)

W. S. Tait and K. A. Handrich, Cation Enhancement of Internally Coated Metal Container Corrosion Failure, Corrosion, **50**(5), pp. 373-377 (1994)

W. S. Tait, K. A. Handrich, S. W. Tait, and J. W. Martin, Analyzing and Interpreting Electrochemical Impedance Spectroscopy Data from Internally Coated Steel Aerosol Containers, in ASTM STP 1188, pp. 428-437, American Society for Testing and Materials, Philadelphia, PA (1993)

C. R. Aita and W. S. Tait, Nanocrystalline Aluminum Nitride: Growth by Sputter Deposition, Optical Absorption, and Corrosion Protection Behavior, NanoStructured Materials, **1**(4), pp. 269-282 (1992)

W. S. Tait and C. R. Aita, Aluminum Nitride as a Corrosion Protection Coating for Steel: Self-sealing Porous Electrode Model, Surface Engineering, **7**(4), pp. 327-330 (1991)

W. S. Tait and C. R. Aita, Modeling Corrosion Behavior of Aluminum and Aluminum Nitride Coated Steel, when Exposed to Oxygen-Free Aqueous Potassium Chloride, Corrosion, **46**(2), pp. 115-117 (1990)

W. S. Tait and J. A. Maier, Predicting Results from Static Storage Tests on Internally Coated Metal Containers Using Electrochemical Impedance Spectroscopy Data, Journal of Coating Technology, **62**(781) pp. 41-44 (1990)

W. S. Tait, Using Electrochemical Impedance Spectroscopy to study Corrosion Behavior of Internally Coated Metal Containers, Journal of Coating Technology **61**(768), pp. 57-61 (1989)

W. S. Tait and J. A. Maier, Progress in Using Electrochemical Impedance Data to Predict Results from Static Storage Tests on Internally Coated Metal Containers, in **Advances in Corrosion Protection by Organic Coatings**, edited by J. D. Scanlebury and M. W. Kendig, **89-13**, pp. 251-258, The Electrochemical Society, Pennington, NJ (1989)

W. S. Tait, C. O. Huber, B. C. Begnoche, J. R. Sietmann, and C. R. Aita, Al, Al-N, and AlN-coated Steel Corrosion Behavior in Oxygen-Free Potassium Chloride Solution, Journal of Vacuum Technology, **A6**(3), pp. 924-927, (May/June 1988)

W. S. Tait, Use of Electrochemical Impedance to Evaluate Organic Coatings on Aerosol Containers, in **Corrosion Protection by Polymer Coatings**, edited by M. W. Kendig and H. Leidheiser Jr., **87-2**, pp. 229-239 (1987)

W. S. Tait and J. A. Maier, A Novel Corrosion Test Cell for Predicting the Long-Term Corrosion Behavior of Metal Aerosol Containers, Corrosion **42**(10), pp. 622-628 (1986)

W. S. Tait, Using Emulsion Particle Size Distribution to Optimize Emulsion Manufacturing Processes, Chemical Engineering Progress, **82**(5), p. 29 (1986)

W. S. Tait, Effects of Physical Parameters on the Pitting Corrosion of Mild Steel Exposed to Oxygen Bearing, Low Total Dissolved Solids Waters, Corrosion **35**(7), pp. 296-300 (1979)

W. S. Tait, Comparison of Potentiodynamically Determined Pitting Rates with Actual Pitting Rates for Mild Steel and Admiralty Brass in Oxygen Bearing Waters, Corrosion, **34**(6), pp. 214-217 (1978)

R. R. Annand, H. M. Hilliard, and W. S. Tait, Factors in the Corrosivity of Seawater used for Secondary Petroleum Recovery, in **ASTM STP 641**, pp. 41-53, The American Society for Testing and Materials, Philadelphia, PA (1977)

NON-PEER REVIEWED JOURNALS

W. S. Tait, Make Your Corrosion Data More Reliable, Corrosion Engineering, May 2002

W. S. Tait, Increase Your Confidence in Corrosion Data, Materials Performance (March 2001)

Increase your Confidence in Electrochemical Data with the Solartron 1281 Multiplexer, Solartron Application Note, September 1999

W. S. Tait, Aerosol Container Corrosion and Corrosion Testing: What is the State of the Art? Spray Technology and Marketing, September 1997.

W. S. Tait, J. A. Maier, and D. C. Liebe, Recent Developments in Predicting Corrosion Behavior of Aerosol Containers, Aerosol Age, 31(5), p. 28 (1986)

INVITED PRESENTATIONS AT PROFESSIONAL SOCIETY MEETINGS AND CONFERENCES

Elements of a Comprehensive Aerosol Container Corrosion Prevention and Control Program,

Eastern Aerosol Association, Newark, NJ (October 2006)

Latin American Aerosol Congress, Buenos Aires, Argentina (September 2006)

Southern Aerosol Technical Association, Atlanta, GA (March 2006)

Midwest Aerosol Association, Chicago, IL (April 2006)

Using Electrochemical Corrosion Testing to Save Time on Long-term Static Storage Tests, the second North American Steel Packaging Conference, (October 2002)

Using Electrochemical Measurements to Accurately and Quickly Estimate Coating and Polymer Film Durability, the Federation of Societies for Coatings Technologies, Fall ICE Technical Convention (October 2002)

Aerosol Container Corrosion Prevention, Control and Measurement, SATA technical conference, Destin, Florida, October 5, 2001.

Nanolaminate Coatings: A New Way to Protect Metals and Alloys from Corrosion
ASM International, Southeast Wisconsin Section, Milwaukee WI, April 10, 2001

An Introduction to Aerosol Container Corrosion, Corrosion Prevention and Control
CSPA Workshop Aerosol Technology Workshop, Washington, DC, April 18-20, 2001

An Overview on Electrochemical Methods for Evaluating Coated Metal Performance,
Forth Workshop on Quantitative Methods for Evaluation of Paint Coating Performance, Department of Navy, Naval Surface Warfare Center Carderock, West Bethesda MD, September 28-29, 1999

Steel Container Corrosion and Corrosion Testing: What is the State of the Art?
American Iron and Steel Institute, North American Steel Packaging Conference. Chicago, IL, Oct. 20, 1998

An Overview on Electrochemical Methods for Evaluating Coated Metal Performance,
Third Workshop on Quantitative Methods for Evaluation of Paint Coating
Performance, Department of Navy, Naval Surface Warfare Center Carderock,
West Bethesda MD, October 20-21, 1997

Reliability Engineering: The Commonality between Airplanes, Light Bulbs, and Coated
Steel, International Symposium on A Systems Approach to Service Life
Prediction of Organic Coatings, Breckenridge CO (September 14 - 19, 1997)

Aerosol Container Corrosion: A Brief Overview. Aerosol Industry Development
Association, Chicago IL (April 1997)

Where are We with Predicting Coated Metal Lifetimes? Gordon Research Conference on
Aqueous Corrosion, New London, NH (July 1996)

Using Reliability Statistics to Estimate Metal Container Failure Levels from Censored
Tests. NACE Corrosion/96, Denver, CO (March 25-28, 1996)

One Laboratory's Experience Using Laminated Steel for Metal Packaging, Fall National
Electrochemical Society Meeting, Chicago, IL (October 13, 1995)

Using Electrochemical Impedance Spectroscopy to Measure Coated Metal Corrosion,
NACE Mid-America Corrosion Conference, Schaumburg IL (October 1-4, 1995)

A Discussion on the Reliability of Electrochemical Impedance Spectroscopy Data from
Coated Metals, Spring Meeting of the American Chemical Society, Denver, CO
(April 18-23, 1993)

Everything You Wanted to Know about Electrochemical Impedance Spectroscopy; but
were Afraid to Ask, EG&G Practical Applications of Electrochemical Corrosion
Techniques, New Orleans, LA (December 2-4, 1991)

Analyzing and Interpreting Electrochemical Impedance Spectroscopy Data from
Internally Coated Steel Aerosol Containers, ASTM National meeting,
San Diego, CA (November 4, 1991)

Pitfalls Encountered when Analyzing Electrochemical Impedance Spectroscopy Data,
Southern Wisconsin section of the Electrochemical Society, Milwaukee WI
(October 31, 1991)

Electrochemical Impedance Spectroscopy: One Laboratory's Experience Using it to
Predict Corrosion Behavior of Internally Coated Steel Containers, Steel Structures
Painting Council Coating Evaluation and Durability Conference, Pittsburgh, PA
(April 29-May 3, 1991)

Electrochemical Impedance Spectroscopy: One Laboratory's Experience using it to Predict Corrosion Behavior of Internally Coated Metal Containers, EG&G fifth Annual Corrosion Measurement Techniques symposium, St. Louis, MO (December 4, 1990)

The Effect of Cation Solution Size and Concentration on the Corrosion Behavior of Internally Coated Tinplated Steel Aerosol Containers, 64th Colloid and Surface Science Symposium, Bethlehem, PA (June 18-20, 1990)

Progress in Using Electrochemical Impedance Spectroscopy Data to Predict Results from Static Storage Tests on Internally Coated Metal Containers, Advances in Corrosion Protection by Organic Coatings symposium, Cambridge, England (April 10-14, 1989)

Using Electrochemical Impedance Spectroscopy to Study Corrosion Behavior of Internally Coated Metal Containers, EG&G Electrochemical Techniques for Corrosion Measurement symposium on Corrosion Measurement, San Francisco CA (December 12-14, 1988)

Modeling Corrosion Behavior of Organic Coated Metals with Electrochemical Impedance Spectroscopy: Application to Metal Packaging, Third Chemical Congress of North American Continent and 195th ACS Meeting, Toronto, Canada (June 5-11, 1988)

Aluminum Nitride Coated 1010 Mild Steel Corrosion Behavior in Oxygen-Free Potassium Chloride Solutions, 34th National Symposium of the American Vacuum Society, San Diego CA (Spring 1988)

Electrochemical Techniques in Corrosion Studies, Southern Wisconsin section of the Electrochemical Society, Sturtevant, WI (March 1987)

Corrosion Behavior of Aluminum Oxide Reactive RF Magnetron Sputter Coated Mild Steel in Potassium Chloride Solutions, NACE Corrosion/87, San Francisco, CA (March 1987)

Using Electrochemical Testing to Predict Long-Term Corrosion Behavior of Organic Coated and Uncoated Aerosol Containers, EG&G Electrochemical Techniques for Corrosion Measurement symposium on Corrosion Measurement, Chicago IL (November 20-21, 1986)

Using Electrochemical Testing to Evaluate Performance of Organic Coatings Used on Aerosol Containers, Fall Electrochemical Society Meeting, San Diego, CA (October 19-24, 1986)

CONFERENCE PROCEEDINGS AND ABSTRACTS

Using Electrochemical Corrosion Testing to Save Time on Long-term Static Storage Tests, the second North American Steel Packaging Conference, (October 2002)

Using Electrochemical Measurements to Accurately and Quickly Estimate Coating and Polymer Film Durability, the Federation of Societies for Coatings Technologies, Fall ICE Technical Convention (October 2002)

W. S. Tait and K. A. Handrich, A Discussion on the Role of Cations in Enhancing Internally Coated Metal Container Failure, Proc. I2th International Corrosion Congress, pp. 77-86, Houston, TX (September 19-24, 1993)

W. S. Tait, A Discussion on the Reliability of Electrochemical Impedance Spectroscopy Data from Coated Metals, in Proceedings of the ACS Division of Polymeric Materials: Science and Engineering, **68**, pp. 101-102 (1993)

W. S. Tait and K. A. Handrich, A Discussion of the Molecular Basis for Using Electrochemical Impedance Spectroscopy to Estimate Coating and Corrosion Parameters, Proc. Second Intentional Symposium on Electrochemical Impedance Spectroscopy, Santa Barbara, CA (July 12-17, 1992)

R. S. Lillard, J. Kruger, P. J. Moran, and W. S. Tait, Coating Inspection by a Scanning Electrochemical Impedance Spectroscopy Technique, Proc. Second International Symposium on Electrochemical Impedance Spectroscopy, Santa Barbara, CA (July 12-17, 1992)

W. S. Tait, K. A. Handrich, and J. A. Maier, Electrochemical Impedance Spectroscopy: One Laboratory's Experience Using it to Predict Corrosion Behavior of Internally Coated Steel Containers, **SSPC 91-15**, pp. 161-182 (1991)

W. S. Tait, Modeling Corrosion Behavior of Organic Coated Metals with Electrochemical Impedance Spectroscopy: Application to Metal Packaging, in Proceedings of the ACS Division of Polymeric Materials: Science and Engineering, **58**, pp. 322-328 (1988)

LECTURES AND SEMINARS AT UNIVERSITIES

Useful Statistics? The University of Florida at Gainesville (March 1997)

Developing a Model for Predicting Failure Using Its Characteristics, The Pennsylvania State University (October 1996)

Metal Containers for Consumer Product Packaging: a Plethora of Corrosion Challenges, The Pennsylvania State University (September 1994)

A Discussion on the Role of Cations in Enhancing Internally Coated Metal Container Corrosion, University of Wisconsin-Milwaukee, Center for Surface Studies Seminar Series (April 1993)

Electrochemical Corrosion Testing in an Industrial Environment, University of Wisconsin-Madison, Principles of Electrochemical Engineering course (December 1989)

Using Electrochemical Impedance Spectroscopy to Study Corrosion of Organic Coated and Painted Metals, University of Wisconsin-Milwaukee, College of Engineering and Applied Science Noontime Seminar Series (May 1989)

The Engineer as a Professional Writer, University of Wisconsin-Parkside, Technical Writing course (May 1986)

SEMINARS AND PAPERS AT PROFESSIONAL SOCIETY MEETINGS AND CONFERENCES

Al, Al-N Alloy, and AlN-Steel Corrosion Behavior in Oxygen-Free KCL Solutions, (Co-authored with C. R. Aita, C. O. Huber, B. C. Begnoche, and J. R. Sietmann), abstract number 608, American Vacuum Society National Symposium (1987)

Using Electrochemical Testing and a Novel Corrosion Test Cell for Predicting Real Time Corrosion Behavior of Metal Aerosol Containers, Corrosion/86, paper number 269, New Orleans LA (1986)

Using Emulsion Particle Size Distribution to Optimize Emulsion Manufacturing Processes, American Institute of Chemical Engineers Fall National Meeting, Chicago IL (9185)

The Use of Potentiodynamic Scanning for Predicting Real Time Corrosion in Metal Aerosol Containers, paper number 126, Fourth International Conference on Packaging, East Lansing MI (1985)

Comparison of Potentiodynamically Determined Pitting Rates with Actual Pitting Rates for Mild Steel and Admiralty Brass in Oxygen Bearing Water, Corrosion/78, paper number 173, Houston TX (1978)

Effects of Physical Parameters on the Pitting Corrosion of Mild Steel in Low Total Dissolved Solids, Oxygen Bearing Water, Corrosion/78, paper number 175, Houston TX (1978)

PATENTS

U. S. Patent 6,501,286: Multiple Reference Electrode Array For Measuring Open Circuit Potentials in Artificial Crevices

U. S. Patent 4,720,382: Inhibiting the Corrosion of Hair Conditioning Compositions

U. S. Patent 4,668,507: Corrosion Resistant Insecticidal Composition

U. S. Patent 4,668,293: Phytate Corrosion Inhibitor System

U. S. Patent 4,395,318: Pitting Corrosion Meter

U. S. Patent 4,240,925: Pitting Corrosion Inhibitors

U. S. Patent 4,175,054: Use of Low Molecular Weight Polymers in Formulation of De-emulsifier Chemicals

PROFESSIONAL CERTIFICATIONS, SOCIETY MEMBERSHIPS, AND ACTIVITIES IN PROFESSIONAL SOCIETIES

CERTIFICATIONS

National Association of Corrosion Engineers Corrosion Specialist (certification number 2651).

I am one of eighteen corrosion specialists in the world who are certified as a chemical treatment specialist (development of corrosion inhibitors)

SOCIETY MEMBERSHIPS

NACE International (formerly the National Association of Corrosion Engineers)

The Electrochemical Society

ASM International

Southern Aerosol Technical Association

Midwest Aerosol Association

Eastern Aerosol Association

ACTIVITIES IN PROFESSIONAL SOCIETIES

Peer-reviewer for:

- The Corrosion Journal
- Corrosion Science (British corrosion journal)
- Journal of Coatings Technology
- Journal of the Electrochemical Society
- American Society for Testing and Materials (special technical publications)
- Progress in Organic Coatings
- U. S. Environmental Protection Agency
- National Institute of Standards and Technology

Councilor for the Southern Wisconsin chapter of the Electrochemical Society (1989)

Chairperson for the S. C. Johnson & Son, R,D&E Symposium Series
(1986 through 1989)

National Association of Corrosion Engineers examination proctor (1989)

Chairperson for the Southern Wisconsin chapter of the Electrochemical Society (1988)

Vice-Chairperson for the Southern Wisconsin chapter of the Electrochemical Society (1987)

Chairperson for the Modern Ceramic Materials symposium, at the Materials Research Society Spring meeting, San Francisco CA (1985)

Exhibit B

plotted. Materials have been grouped under general classification headings according to the major base metal. Within each classification are a number of materials frequently considered to have comparably similar corrosion resistances. For example:

- a. In carbon steels, carbon content up to 0.30% is not considered to alter appreciably the corrosion rate.
- b. Silicon bronze, aluminum bronze, and tin bronze are considered to have similar corrosion resistances in most media, but it is recognized they can differ markedly in specific environments.
- c. In stainless steels, Types 302, 304, 304L, 321 and 347 are expected to have similar corrosion resistance and are grouped as 18Cr-8Ni austenitic stainless in the corrosion tables.
- d. In aluminum alloys, the following types are expected to have equivalent corrosion resistance: 1100, 3003, 3004, 5052, 6061, 6062, and cast 43, B214, 356, and 406. No aluminum alloy containing over 1.0% copper should be considered to have corrosion resistance equal to these.

Thus where data on any of the above are shown in the data tables, other materials in the same group usually can be expected to perform in a like manner.

3. Concentration of Corrosives

Concentrations in all cases (except in certain solutions and gels, either desiccated or essentially so) are considered to be water dilutions of pure compounds. Although it is fully understood that small quantities of contaminants may have a profound effect on corrosion rates, this factor is not ordinarily taken into account in the tables, often because the specific contaminants are not reported in the references from which data are taken. In instances where a metal was designated as being unaffected by a chemical and no mention was made of concentration or temperature, the tables show the metal as satisfactory at the 100% line at room temperature. This indicates that the metal has a possible use and could be considered.

4. Temperature

Temperature may affect the corrosion rate through its effect on oxygen solubility and availability. As temperature rises, oxygen solubility in an aqueous solution decreases and at the boiling point most oxygen is removed. On the contrary, the diffusion rate of oxygen increases with temperature. The corrosion rate may increase with temperature to some maximum and then decreases to some low value at the boiling point.

Temperature also may affect corrosion through its effect on pH, with increasing temperature often resulting in decreasing pH.

Temperature also may affect corrosion rates through its effect on films. It may increase the solubility of protective corrosion products, as in the case of lead in hydrochloric acid. A change in temperature also may bring about changes in the physical nature or the chemical composition of corrosion products which may make them considerably more or less protective. The behavior of zinc in water is an example. Another effect of rising temperatures on films is caused by precipitation of protective coatings on metallic surfaces, as in waters containing calcium sulfate and calcium carbonate.

In solutions under pressure at temperatures above their normal boiling points, corrosion rates may increase quite rapidly with temperature, possibly because many of the factors (such as diffusion, which normally acts to limit corrosion) are no longer controlling. The limiting effect of diffusion also can be overcome by rapid movement.

The effect of heat flux on the corrosion rate must be recognized. Maintaining a liquid at a bulk temperature of 248 (120 °C) in a vessel can produce no corrosion, whereas the same temperature on the heating side of a metal surface may result in catastrophic corrosion.

Temperatures are plotted in degrees Fahrenheit from 0 to 500 (–18 to 260 Celsius) on the vertical axis of the matrix shown on the fold-out page. This matrix makes up the data tables throughout the book.

5. Corrosion Rates

An arbitrary set of corrosion rates has been established for this survey to meet the requirements of instrument, design and maintenance engineers. (See the Key to Data Points on the fold-out page.) The ideal rating (denoted in the tables by a solid circle) has been assigned when corrosion is less than 2 mils (50 µm) per year. Many materials have this property and may be used for some pieces of equipment, although they may be ruled out for others because of other failings, such as contamination of product, brittleness, temperature limitations, unavailability in suitable form.

When this highest degree of corrosion cannot be indicated, a secondary rating (an open circle) representing less than 20 mils (508 µm) per year corrosion rate is used. In the development of this category, considerable difficulty has been encountered due to the various methods of reporting corrosion data. Materials reported as "recommended" or "complete resistant" may have corrosion rates less than 2 mils per year but without actual figures, they have been placed in the second category (20 mils per year) rather than the ideal one. For the majority in this category, the corrosion rates probably will be below 5 mils per year. The rating of 20 mils per year indicates those materials which normally would be specified where a corrosion allowance of 60 - 120 mils is added for protection against possible mild corrosion.

A third classification (an open square) is provided to indicate a corrosion rate between 20 and 50 mils (508 and 127 µm) per year. These materials can be used only in specific cases where such a rate can be tolerated, but are not considered adequate for general plant construction.

The final rating (an X) is given where the corrosion rate is probably too high (over 50 mils per year) to merit consideration.

6. Additional Factors Influencing Corrosion Rates

There are many factors besides concentration and temperature which influence corrosion rates and, while they are often extremely important, it is impossible to list them all in survey of this type. For example, velocity, aeration, heat flux, the presence of oxidizing agents, and other chemical contaminants can either increase or decrease the corrosion rate. The effect of galvanic coupling is also important in assessing the useful life of a piece of equipment and should be considered.

Welding is another factor which may influence service life. Aside from intergranular corrosion, which is discussed below, there are instances where as-deposited weld metal is attacked in preference to the base metal; conversely, there are occasions when the weldment is more resistant. Additionally, localized stresses due to welding often make zones adjacent to welds susceptible to stress corrosion cracking. For these reasons, selection of the correct welding material is as important as selection of the base material.

Many alloy systems show variations in corrosion resistance as a result of being heated or cooled in a certain way. It is important that fabrication and heat treatment are such that a alloy's corrosion resistance is not impaired if the fabricated part is intended for corrosive service. Generally the annealed condition is preferred, but the manufacturer of the alloy should be consulted for his recommendations.

Exhibit C

eral, therefore, a specific Galvanic Series exists for each environment, and the relative positions of metals in such series may vary from environment to environment.

The damage incurred by coupling of two metals depends not only on how far apart they are in the Galvanic Series (open-circuit potential difference) but also on their relative areas and the extent to which they are polarized (see p. 37). The potential difference of the polarized electrodes and the conductivity of the corrosive environment determine how much current flows between them.

LIQUID JUNCTION POTENTIALS

In addition to potential differences between two metals in an electrolyte, potential differences also arise whenever two solutions of different composition or concentration come into contact. The potential difference is called the liquid junction potential, and its sign and magnitude are determined by the relative mobility of ions and their concentration differences across the liquid junction. For example, in a junction formed between dilute and concentrated hydrochloric acid, H^+ ions move with greater velocity than Cl^- ions (mobility at infinite dilution = 36×10^{-4} and 7.9×10^{-4} cm/sec, respectively). Hence the dilute aqueous solution acquires a positive charge with respect to the concentrated solution. For potassium chloride, mobility of K^+ and Cl^- are similar, hence liquid junction potentials between dilute and concentrated KCl are small in comparison with HCl junctions. In fact, if the HCl solutions discussed previously are saturated with KCl, so that most of the current across the boundary is carried by K^+ and Cl^- ions, the liquid junction potential is very much decreased. Use of a saturated KCl solution whenever

TABLE 4
Characteristic Liquid Junction Potentials of Salt Solutions (MacInnes)

Electrolyte	Concentration	
	0.1 N	0.01 N
(-)HCl	35.65 mV	33.87 mV
KCl	8.87	8.20
NH ₄ Cl	6.92	6.89
NaCl	2.57	2.63
(+)LiCl	0.00	0.00

Exhibit D

TABLE 3
Galvanic Series in Seawater³

Active (Read down)	
Magnesium	18-8 stainless steel, type 304 (active)
Magnesium alloys	18-8, 3% Mo stainless steel, type 316 (active)
Zinc	Lead
	Tin
Aluminum 5052H	Muntz metal
Aluminum 3004	Manganese bronze
Aluminum 3003	Naval brass
Aluminum 1100	
Aluminum 6053T	Nickel (active)
Alclad	76% Ni-16% Cr-7% Fe (Inconel) (active)
	Yellow brass
Cadmium	Aluminum bronze
	Red brass
Aluminum 2017T	Copper
	Silicon bronze
Aluminum 2024T	5% Zn-20% Ni, Bal. Cu (Ambrac) 70% Cu-30% Ni
Mild steel	88% Cu-2% Zn-10% Sn (composition G-bronze)
Wrought iron	88% Cu-3% Zn-6.5% Sn-1.5% Pb (comp. M-bronze)
Cast iron	Nickel (passive)
Ni-Resist	76% Ni-16% Cr-7% Fe (Inconel) (passive)
13% Chromium stain- less steel, type 410 (active)	70% Ni-30% Cu (Monel) Titanium
50-50 lead-tin solder	18-8 stainless steel, type 304 (passive) 18-8, 3% Mo stainless steel, type 316 (passive)
	Noble (Read up)

³ F. L. LaQue, in *Corrosion Handbook*, p. 416, Wiley, New York, 1948.

are included. The Galvanic Series for metals in contact with seawater is given in Table 3. Note that some metals occupy two positions in the Galvanic Series, depending on whether they are active or passive, whereas in the Emf Series only the active positions are possible, since only in this state is true equilibrium attained. The passive state, to the contrary, represents a nonequilibrium state in which the metal, because of surface films, is no longer in normal equilibrium with its ions.

Although only one Emf Series exists, obviously there can be several Galvanic Series because of differing complexing tendencies of various environments or differences in tendency to form surface films. In gen-

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: JESSE J. WILLIAMS, ERIC J. HANSEN, AND LINDSAY M. ULMAN

For: MANUAL SPRAY CLEANER

Serial No.: 10/604,780

Examiner: Loma M. Douyon

Filed: 08/15/2003

Art Unit: 1744

Docket: 71189-1501

DECLARATION UNDER 37 C.F.R. § 1.132 OF ERIC J. HANSEN

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Eric J. Hansen declares that:

1. I am a citizen of United States and a resident of Ada, Michigan. I am currently employed by BISSELL Homecare Inc. as Director of Chemical Development. I graduated from Calvin College in 1978 with a degree biology/chemistry. I further studied in advanced chemistry at Aquinas College and Grand Valley State University. I also completed a M.B.A. degree from Western Michigan University in 2000. Since the date of my graduation from Calvin College I have been continuously employed as a chemist/manager, the last 21 years for BISSELL Homecare Inc. I am an inventor named in the above-identified patent application.

2. In my role as Director of Chemical Development at Bissell Homecare, I was responsible for development of a two component aerosol spot cleaner package for BISSELL Homecare. The package included a carpet cleaning composition with an aerosol propellant in one aerosol can and an oxidizing agent, such as hydrogen peroxide, with an aerosol propellant in a second aerosol can. This two component cleaner package was successfully developed under my direction and

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was brought to market in 2003 under the mark OXYKIC, now marketed under the name OXYPRO (both collectively referred to as "OXYKIC spot cleaner") and as Woolite OxyDeep 2X. I have been informed by responsible marketing personnel at BISSELL Homecare that sales of the OXYKIC/OxyDeep 2X spot cleaner have exceeded 6 million units.

3. The BISSELL Homecare OXYKIC/OxyDeep 2X spot cleaner is described and claimed in the above-identified patent application.

4. One of the problems which we encountered in developing this product was the packaging of hydrogen peroxide aerosol composition in an aerosol can. It is widely understood in the aerosol industry that hydrogen peroxide is highly corrosive/reactive, and an aerosol with hydrogen peroxide has not, to my knowledge, been packaged successfully in a metal can. We were aware that a hydrogen peroxide aerosol composition could not be packaged in a steel can, whether lined or unlined, because of the corrosive/reactive nature of hydrogen peroxide. It is my understanding that the linings in steel cans have microscopic pin holes and impurities that are penetrated by the hydrogen peroxide which can attack the metal can, resulting in an increase in pressure within the can and the possible development of leaks.

5. We believed that an aluminum container could possibly be used with the hydrogen peroxide aerosol composition without causing a chemical pressure reaction, provided that it was strong enough to avoid bursting under any pressure that might be developed due to unexpected contamination in the cans. In our evaluation, we tested both lined and unlined aluminum cans and found that these cans would withstand the pressure which could be developed in a worse-case scenario with varying amounts of hydrogen peroxide and aerosol propellant. However, we found, much to our surprise, through testing and actual use in the field, that the hydrogen peroxide composition dislodged the linings of the lined aluminum cans, resulting in disintegration of the lining and clogging of dip tubes in the aerosol cans. Thus, we found that

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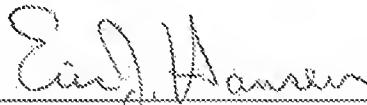
packaging the hydrogen peroxide aerosol composition in lined aluminum cans was unsatisfactory because the dislodged liner clogged the dispensing system, thus rendering the product unusable.

6. Insofar as I am aware, no operational problems have occurred in the unlined aluminum cans with the hydrogen peroxide aerosol compositions used in the OXYKIC/OxyDeep 2X spot cleaner. In my position at BISSELL Homecare, I believe that I would be informed of any problems in the field with the unlined aluminum cans that contain the hydrogen peroxide aerosol compositions.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made in information and belief are believed to be true; and further that these statements were made with the knowledge that willful thought statements in the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States code and at such willful thought statements may jeopardize the validity of the application or any patent issuing thereon.

Dated: 1-23-2007

By:


Eric J. Hansen

G9273728

Corrosion behavior: Part 1

Aerosol containers can be made from two types of metal: 1) steel with or without a coating of tin, and 2) aluminum. In addition, aerosol valves can be made from aluminum or steel, while the internal valve springs and check balls are typically made from stainless steel. The corrosion resistance for each of these three metals is radically different. This month's *Corrosion Corner*, which focuses on aluminum, begins a three-part series that discusses the corrosion properties of the different metals used to fabricate aerosol containers and valves.

As a general rule, the corrosion resistance of a pure metal is typically higher than the corrosion resistances of the metal's corresponding alloys. An alloy is a mixture of metals and non-metals, such as carbon and silicon. Pure metals typically do not have the tensile strength needed for aerosol containers, so metal alloys are used to fabricate aerosol containers.

Corrosion Basics: Aluminum container metallurgy

Aluminum aerosol containers are typically fabricated from the 1000 series of aluminum alloys. For example, type 1070 aluminum (universal numbering system A91070) has a minimum concentration of 99.1% aluminum, and type 1050 aluminum (A91050) has a minimum concentration of 99.5% aluminum. The balance of the materials in type 1050 and type 1070 is a range of maximum concentrations below a fraction of 1% each for magnesium, copper, manganese, silicon, titanium, vanadium, zinc, and iron.

The corrosion resistance of an aluminum alloy is determined by the chemical composition of a formula. Let's review several chemistries and factors that determine the corrosion resistance of aluminum.

Aluminum and chlorinated hydrocarbons/ethanol

Aluminum has been observed to react violently with certain chlorinated hydrocarbons, such as chloroform. However, there are also chlorinated hydrocarbons, such as biocides and insecticides, that do not react violently with aluminum. Please remember that chlorinated hydrocarbons are not the same as inorganic chlorides, such as sodium chloride or potassium chloride, for example. Inorganic chlorides typically do not cause aluminum aerosol contain-

er corrosion.

Other ingredients in a particular formula could actually inhibit the reaction between chlorinated hydrocarbons and the aluminum container, thereby producing a formula that is not corrosive. Thus, corrosion testing is the only reliable way to determine if chlorinated hydrocarbons in a formula will cause or contribute to aluminum aerosol container corrosion.

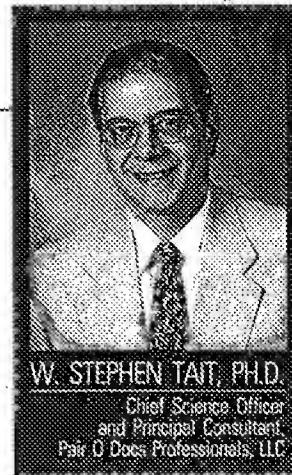
Anhydrous ethanol can also be corrosive toward aluminum when there is absolutely no water in the alcohol. However, adding only a few ppm of water to the ethanol typically makes it non-corrosive toward aluminum.

Aluminum corrosion behavior as a function of formula pH

In certain situations, the corrosion rate of aluminum is very low when the solution pH is between approximately 4 and 7. Outside of this range, the corrosion rates can be extremely high when the pH is lower than approximately 4 and exceeds 7. This type of corrosion behavior is illustrated in Figure 1.

Please remember that the other ingredients in a formula could not only shift the range of pH that produces low corrosion, but could also change the shape of the pH-corrosion rate curve shown in Figure 1. In other words, Figure 1 cannot be used in all cases to predict the corrosivity of your formulas with aluminum containers.

Normally, the 1000 series of aluminum alloys have very poor corrosion resistance with water, aqueous aerosol formulas, and formulas with water as a minor component. Indeed, you will see that aluminum is more electrochemically active than steel or tin if you review a table of electromotive force potentials in a physical chemistry textbook. Consequently, uncoated aluminum is very susceptible to corrosion, and aluminum aerosol containers without an internal lining cannot be used with aerosol products.



W. STEPHEN TAIT, PH.D.

Chief Science Officer
and Principal Consultant
Pain O Docs Professionals, LLC

Coated aluminum corrosion behavior

Coating research has demonstrated that organic coatings usually bond more strongly to aluminum than to steel and tin. In other words, a coating on aluminum will bond more strongly than the same coating will bond to steel or tin-plated steel. Stronger coating-metal bonding is expected to provide better corrosion protection. However, this expectation is only true for certain types of aerosol formulas.

The only way to determine if aluminum containers are suitable for use with a given formula is, once again, to conduct corrosion tests. The October 2001 through December 2001, and February 2005 *Corrosion Corners* have discussions of the various aerosol container corrosion tests and recommended best practices. Issues of *Corrosion Corner* are contained on CDs that are available from *Spray Technology & Marketing Magazine*. Please contact them (973-331-9545) if you would like to add these to your company or personal library.

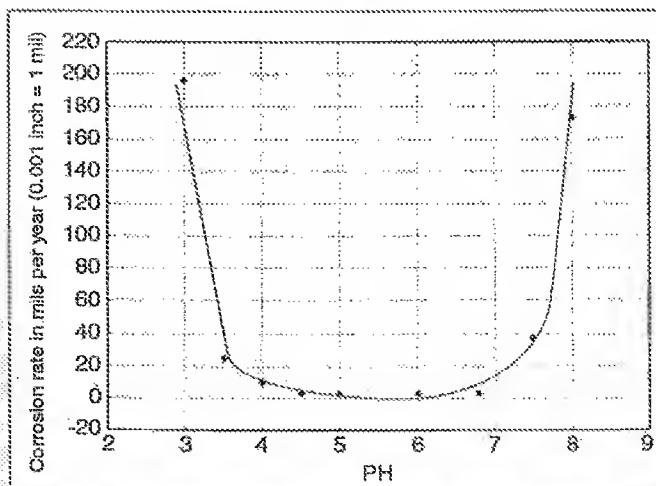


Figure 1. Aluminum corrodes rapidly when the solution pH is either acidic or basic. The pH-corrosion rate curve for your individual aerosol formulas could be significantly different from the curve shown in Figure 1.